

LABOUR DEPARTMENT

The 17th March, 1968

No. 1836-2Lab-68/6411.—In supersession of Haryana Government, Labour Department Notification No. 95-2Lab-68/2391, dated the 29th January, 1968 and in exercise of the powers conferred by clause (a) of sub-section (I) of Section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the President of India is pleased to appoint the Committee consisting of the following persons to hold inquiries and advise the Government for revising the minimum rates of wages in respect of Employment in Electroplating by using Salts of Chromium, Nickel or any other compound and the connected Buffing and Polishing Industry in Haryana State, fixed,—vide erstwhile Punjab Government Notification No. 90 CA/88 48/S-5/64/12105, dated the 15th May, 1964.

Government nominees who do not represent any interest

1. Shri P. N. Puri,

Deputy Labour Commissioner, Haryana

Chairman

Employers Representatives

1. Shri Ghansham Dass, Proprietor, M/s Faridabad Plating Co. N.I.T, Faridabad.

Member

2. Shri Krishan Kumar, Proprietor, Krishna Electroplating, Kali Bari Road, Ambala Cantt.

Do

Employees Representatives

1. Dr. Krishan Gopal, General Secretary, Bhartya Mazdoor Sangh, Haryana.

Do

2. Shri Rajeshwar Parshad, President, Hind Mazdoor Sabha, C/O M S Hargo Lal & Sons, Ambala Cantt.

Do

2. The Committee shall make its recommendations to Government within three months of the date of issue of this notification.

3. The Headquarters of the Committee shall be at Chandigarh but the Chairman can hold meetings at any place in the State of Haryana if and when considered necessary.

The 23rd/25th March, 1968

No. 2671-3Lab-68/7847.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following arbitration award of Shri V.P. Oberoi, Project Officer, Bharat Steel Tubes Limited, Ganaur in respect of the dispute between the workmen and management of M/s. Bharat Steel Tubes Limited, Ganaur :—

BEFORE SHRI V.P. OBEROI, PROJECT OFFICER, BHARAT STEEL TUBES LIMITED, GANAUR, ARBITRATOR

Appointed under sub-section (3) of Section 10(A) of the Industrial Disputes Act, 1947 in the matter of dispute of 1967

BBHARAT STEEL TUBES LIMITED, GANAUR

versus

Their workmen, i.e., Sarvshri Prem Singh and Ramesh Kumar Thakur—represented by Bharat Steel Tubes Karamchari Union.

AWARD

According to an agreement dated 1st December, 1967, the parties agreed to refer the dispute for my arbitration under section 10(A) of the Industrial Disputes Act, 1947. In pursuance to the agreement, the Government of Haryana, Labour Department referred the following dispute for my arbitration.—vide their Notification No. ID/RK/16-B-67/55611, dated 30th December, 1967 :

“Whether the dismissal of Sarvshri Prem Singh and Ramesh Kumar Thakur—Operators is justified. If not, what relief they are entitled to.”

On receipt of the reference, usual notices were issued to the parties. In response to which, both the parties filed statements of claims and their respective rejoinders.

It is submitted by Shri S.D. Hussain, General Secretary of the Union on behalf of the workmen that the enquiry was vitiated and was pre-planned by the management so as to get these workmen out of its employment. He further pleaded that the real cause of the quarrel was attributed to the filing of a form of union membership inside the factory. He also submitted that only Shri Baij Nath was guilty of the offence while he has been taken back in his employment. He further contended that Sarvshri Prem Singh and Ramesh Kumar Thakur were innocent and their dismissal is uncalled for. He has put forward the following points in support of his contention:

- (1) That Mr. R.K. Aggarwal had no right to ask questions as he was a witness and more over the fighting was engineered by Mr. Aggarwal himself.

The representative of the management contended that Mr. R.K. Agarwal was a complainant. He made a complaint to the Works Manager who issued the Charge-sheet and hence Shri R. K. Aggarwal was rightly allowed to put question and cross-examine the witnesses so as to afford him full opportunity to prove his complaint against the erring employees.

On perusal of enquiry proceedings, I find that Mr. Agarwal was a complainant and as such, the Enquiry Officer was justified to allow him to put questions and cross-examine the witnesses. I, therefore, find this in favour of the management.

(2) That three operators, namely, Sarvshri Prem Singh, Ramesh Kumar Thakur and Baij Nath were dismissed together for fighting and riotous behaviour in the department but Shri Baij Nath was taken back in the employment. The representative of the management has submitted that all the three persons were rightly dismissed as they were found guilty of the charges alleged against them as a result of fair and proper enquiry in accordance with the principles of natural justice. He further submitted that Shri Baij Nath made an appeal to the Managing Director of the Company, who, in turn, considered his unblemished past record and directed that Shri Baij Nath be employed as a new employee on probation of three months with other usual terms and conditions but Sarvshri Prem Singh and Ramesh Kumar Thakur did not make any appeal to the Managing Director as they themselves considered their past record to be un-compromising.

I have carefully considered the record produced by the management and opined that the action of the management of re-employing Shri Baij Nath was not *malafide*.

(3) That the entire plot of fighting by the concerned workmen was engineered by Mr. J.P. Jain, Former Officer and Shri Baij Nath was directed by him to initiate the fighting. The representative of the management argued that Sri J.P. Jain was on leave from 11th July, 1967 to 22nd July, 1967 while the incident happened on 14th July, 1967 and as such the question of his tutoring Sri Baij Nath did not arise at all.

I find that there is no satisfactory evidence of victimisation by the management. There is also no evidence on record to prove that the management was annoyed with the dismissed workmen. Hence it cannot be said that the claimants have been victimised on account of their trade union activities.

The representative of the management has further contended that Sarvshri Prem Singh and Ramesh Kumar Thakur were issued charge-sheets giving full narration of the charges alleged against them together with date, time and place of occurrence. They were afforded full opportunity to defend themselves as a result of fair and proper enquiry in accordance with the principles of natural justice. They were found guilty of the charges alleged against them and were rightly dismissed from the service of the Company. It is for the management to arrive at its own decision and award punishment in accordance with the gravity of the offence. As such the learned Arbitrator cannot interfere with the decision of the management and cannot substitute his own decision.

I have gone through the enquiry proceedings and find that the Enquiry held was quite fair and cannot be labelled as vitiated in any manner.

In view of my above findings I hold that the workmen were rightly dismissed by the Company from their services and hence they are not entitled to any relief.

As the workmen remained under suspension pending enquiry from 16th July, 1967 to the date of dismissal i.e. 7th September, 1967, the management is hereby directed to pay fifty per cent of their respective wages for this period as subsistence Allowance. The payment shall be made by the management to the workmen within fifteen days from the date of publication of this Award in the Official Gazette.

No order as to costs.

The 19th March, 1968.

V.P. OBEROI,
Arbitrator.

The award is hereby submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh under Section 10 A (4) of the Industrial Disputes Act, 1947.

V. P. OBEROI,
Arbitrator.

Dated 19th March, 1968.

The 26th March, 1968.

No. A-15(89)/6464.—Consequent upon his promotion to the post of Vocational Guidance Officer/Employment Liaison Officer, Shri R. C. Dhawan, assumed charge of the post of Vocational Guidance Officer/Employment Liaison Officer, Directorate of Employment, Haryana, Chandigarh, on the afternoon of the 6th March, 1968.

No. A-15(55)/6466.—Consequent upon his selection for deputation at the Central Institute for Research and Training in Employment Service, Pusa, New Delhi, Shri R. S. L. Sharma.

(Sd.) R. I. N. AHOOJA, Secy.

Sub-Regional Employment Officer, Rohtak relinquished charge of the post with effect from 7th March, 1968 (afternoon).

No. A-15(88)/6482.—Consequent upon his promotion to the post of Sub-Regional Employment Officer, Shri K. K. Chhibber, assumed the charge of the post of Sub-Regional Employment Officer, Faridabad, on the forenoon of 1st March, 1968.

(Sd.) Under-Secy.